IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

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TIMOTHY JONES,
BRESHAUN SMITH-KING,
STEPHANIE SYKES,
MARQUEIS HOPKINS, and
KEOKI SAVAGE,
Plaintiffs,

Case No: 16-cv-924

vs.

MJG ENTERPRISES, LLC and
MICHAEL J. GOULD, Jr.,
Defendants.

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**PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE**

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Timothy Jones, Breshaun Smith-King, Stephanie Sykes, Marqueis Hopkins, and Keoki Savage ("Plaintiffs") hereby file their response to this Court's December 1, 2016 Order to Show Cause (ECF # 8) "as to why this case should not be dismissed for lack of diligence" and respectfully state as follows:

1. The Plaintiffs' failure to file an entry for default against Defendants was not due to a lack of diligence or failure to prosecute by Plaintiffs, and therefore should not result in the dismissal of Plaintiffs' case;

2. Defendants' Answer was due on August 8, 2016, and Defendants' Attorney, Steven Platt sent an email to Plaintiffs' Attorney, Richard Saks, proposing an offer of settlement and judgment. Attorney Saks responded on the same date with a relatively close counter-proposal. Attorney Saks sent follow-up

email correspondence to Attorney Platt on September 16 and October 24, 2016 seeking a response, and also followed-up with telephone calls on September 23 and October 24, 2016, hoping that the matter would be resolved.

3. On December 1, 2016, the Court entered the Order to Show Cause.

4. Plaintiffs' failure to file the Motion for Entry of Default until today was predicated upon the representation by Defendants' Attorney that Defendants' desired to resolve the matter and an expectation that they would respond to Plaintiffs' counter-proposal. As soon as the Order to Show Cause was filed by the Court, the Plaintiffs filed their Motions for Entry of Default against both Defendants (ECF #s 9-10).

5. Plaintiffs intend to work diligently and will produce whatever evidence the court deems essential to establish the correct quantum of damages at a hearing before the Court pursuant to FRCP Rule 55(b)(2).

WHEREFORE, Plaintiffs respectfully request that the Court refrain from dismissing this action.

DATED: December 1, 2016

Respectfully Submitted,

s/ Richard Saks

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